

ESTTA Tracking number: **ESTTA463884**Filing date: **03/26/2012**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**Notice of Opposition**

Notice is hereby given that the following party opposes registration of the indicated application.

**Opposer Information**

Name	PICKIN' COTTON COMMUNICATIONS LLC		
Entity	LIMITED LIABILITY CORPORATION	Citizenship	DELAWARE
Address	232 IVORY STREET LAFAYETTE, LA 70506 UNITED STATES		

Correspondence information	DR. MATT FOGARTY CFO PICKIN' COTTON COMMUNICATIONS LLC 232 IVORY STREET LAFAYETTE, LA 70506 UNITED STATES mfogartynd@hotmail.com Phone:(714) 353-7445
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**Applicant Information**

Application No	79103520	Publication date	02/28/2012
Opposition Filing Date	03/26/2012	Opposition Period Ends	03/29/2012
International Registration No.	1093186	International Registration Date	05/16/2011
Applicant	EDMUND FRETTE S.A.R.L. 2, Avenue Charles de Gaulle L-1653 Luxembourg LUXEMBOURG		

**Goods/Services Affected by Opposition**


Class 025.

All goods and services in the class are opposed, namely: Nightgowns, pajamas, dressing gowns, hoe gowns, bed jackets, boxer shorts, body suits, singlets, vests, camisoles, t-shirts, tops, corsets, corselettes, slips, underskirts, bathrobes, underwear, panties, mini briefs, bras, stockings, tights, suspender-belts, foulards, scarves, shawls, bathing suits, sun suits; footwear, namely, boots, shoes and slippers

**Grounds for Opposition**

Deceptiveness	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

**Mark Cited by Opposer as Basis for Opposition**

U.S. Application No.	85207681	Application Date	12/30/2010
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	FRATTY		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 025. First use:</p> <p>Adult novelty gag clothing item, namely, socks; Baby layettes for clothing; Belts; Belts for clothing; Belts made out of cloth; Bibs not of cloth or paper; Bottoms; Children's and infants' cloth bibs; Children's cloth eating bibs; Cloth bibs; Cloth bibs for adult diners; Cloth bibs for use by senior citizens or physically- or mentally-challenged persons; Cloth diapers; Clothing extension used to extend the normal size range of clothing items to accommodate pregnancy size changes; Clothing for athletic use, namely, padded elbow compression sleeves being part of an athletic garment; Clothing for athletic use, namely, padded pants; Clothing for athletic use, namely, padded shirts; Clothing for athletic use, namely, padded shorts; Clothing for babies, toddlers and children, treated with fire and heat retardants, namely, pajamas, jackets, shirts, pants, jumpers; Clothing for wear in judo practices; Clothing for wear in wrestling games; Clothing items, namely, adhesive pockets that may be affixed directly to the body as a decorative piece of clothing with utility; Clothing items, namely, adhesive pockets that may be affixed directly to the inside of clothing for storage and safekeeping of personal items; Clothing shields, namely, pads applied to the underarms of shirts, blouses and sweaters; Clothing, namely, arm warmers; Clothing, namely, athletic sleeves; Clothing, namely, base layers; Clothing, namely, folk costumes; Clothing, namely, hand-warmers; Clothing, namely, khakis; Clothing, namely, knee warmers; Clothing, namely, maternity bands; Clothing, namely, neck tubes; Clothing, namely, thobes; Clothing, namely, wrap-arounds; Corsets; Dusters; Eyeshades; Foulards; Gloves as clothing; Headbands for clothing; Hoods; Infant and toddler one piece clothing; Infant cloth diapers; Inserts specially adapted for cloth diapers made of bamboo; Inserts specially adapted for cloth diapers made of hemp; Inserts specially adapted for cloth diapers made of microfiber; Jackets; Jerseys; Leather belts; Mantles; Mufflers; Non-disposable cloth training pants; Paper hats for use as clothing items; Parts of clothing, namely, gussets for tights, gussets for stockings, gussets for bathing suits, gussets for underwear, gussets for leotards and gussets for footlets; Parts of clothing, namely, underarm gussets; Party hats; Perspiration absorbent underwear clothing; Pocket squares; Shifts; Short sets; Shoulder wraps; Shoulder wraps for clothing; Swaddling clothes; Ties; Tops; Travel clothing contained in a package comprising reversible jackets, pants, skirts, tops and a belt or scarf; Triathlon clothing, namely, triathlon tights, triathlon shorts, triathlon singlets, triathlon shirts, triathlon suits; Underarm clothing shields; Wearable garments and clothing, namely, shirts; Wraps</p>		

Related Proceedings	91202323
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Attachments	85207681#TMSN.jpeg ( 1 page )( bytes ) FretteNOP.pdf ( 5 pages )(110881 bytes )
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### **Certificate of Service**

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/DR. MATT FOGARTY/
Name	DR. MATT FOGARTY
Date	03/26/2012

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

**In the Matter of**

**Application Serial No. 79103520**

**Published in the *Official Gazette* on**

**February 28, 2012**

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Pickin' Cotton Communications, LLC,      Index No.: 2012 - 001 - 032612

Opposer,

- against -

Edmund Frette, S.A.R.L.,

Applicant.

March 26, 2012

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**NOTICE OF OPPOSITION**

Pickin' Cotton Communications, LLC (“Opposer”) opposes the grant of the application of Edmund Frette, S.A.R.L. (“Applicant”) to register the mark “EDMOND FRETTE” for apparel and other items in International Class 25.

**COUNT ONE**

1. Since May 3, 2012, Opposer applied for and sought to use the mark "FRATTY" in interstate commerce, both alone and in connection with its other marks, for a wide variety of goods and Services, and Opposer has been actively planning to expand its use of the mark. Opposer applied to use the FRATTY mark and other marks in connection with apparel and other items for the past several years.

2. Opposer is the owner of the following federal trademark application for registrations: (a) Serial No. 85207681 applied for registration on the Principal Register on December 30, 2010, published for opposition on the Principal Register on May 3, 2011, for the

trademark "FRATTY" for apparel and other items in Int'l. Class 25; and (b) Serial No. 85566088 , Applied for registration on the Principal Register on March 10, 2012 and soon expect registration for the trademark "FRATTY FOGARTY" for apparel and other items in Int'l. Class 25.

3. Opposer is also the owner of the following valid and subsisting U.S. federal trademark registrations or application for U.S. federal trademark registrations: (a) Serial No. 78534804, registered on the Principal Register on December 17, 2004, for the trademark "HOOD PREP" for apparel and other items in Int'l. Class 25; (b) Serial No. 85525471 applied for registration on the Principal register on January 12, 2012 , for the trademark "SOUTHERN BEAU", for apparel and other items in Int'l. Class 25.

4. Opposer owns and plans to use or has used the FRATTY, FRATTY FOGARTY, HOODPREP, and SOUTHERN BEAU trademarks in connection with the sale and provision of a variety of goods and Services in United States commerce for several years.

5. As a result of the intended widespread use in interstate commerce by the Opposer and its licensees of the aforesaid FRATTY, FRATTY FOGARTY, HOOD PREP, or SOUTHERN BEAU trademarks in connection with a wide variety of goods and services, the marks have acquired extensive goodwill, have developed a high degree of distinctiveness and are well known and recognized as identifying high quality goods and services which have their origin with or have been authorized by the Opposer.

6. Upon information and belief, Applicant has made no use of the mark EDMOND FRETTE as a trademark in the United States.

7. Applicant's mark EDMOND FRETTE is confusingly similar to Opposer's FRATTY and FRATTY FOGARTY trademarks in sound, appearance and commercial impression.

8. Applicant's goods are related to the goods and Services sold and provided in connection with Opposer's FRATTY, FRATTY FOGARTY, HOOD PREP, or SOUTHERN BEAU trademarks and/or represent a natural zone of expansion for Opposer and such goods and Services would travel and/or be promoted through the same channels of trade for sale to, and use by, the same class of purchasers.

9. There is no issue as to priority. On information and belief, Applicant has not used the EDMOND FRETTE mark in commerce for any goods or services.

10. Applicant's EDMOND FRETTE is similar to Opposer's mark for application FRATTY and FRATTY FOGARTY in sound, meaning and appearance.

11. Applicant's goods are related to the items of apparel and other goods on which Opposer uses or plans to use FRATTY, FRATTY FOGARTY, HOOD PREP, and SOUTHERN BEAU.

12. Applicant's use of the mark EDMOND FRETTE in connection with its proposed goods and Services is likely to cause confusion, mistake or deception as to the source of origin of Applicant's goods and Services in that the public, the trade and others are likely to believe that Applicant's goods and Services are: (a) the same goods and Services as Opposer's; or (b) provided by, sponsored by, approved by, licensed by, affiliated with or in some other way legitimately connected to Opposer and/or its goods, Services or licensed products.

13. Applicant's use and registration of EDMOND FRETTE for the goods of the application herein opposed will likely dilute the distinctiveness of the FRATTY, FRATTY FOGARTY, HOOD PREP, or SOUTHERN BEAU marks.

## **COUNT TWO**

14. Opposer repeats and realleges the allegations set forth in paragraphs 1 through 13 as though set forth herein.

15. Opposer's FRATTY, FRATTY FOGARTY, HOOD PREP, and SOUTHERN BEAU trademarks are distinctive and famous and had become famous long prior to the acquisition of any rights Applicant may claim in the mark EDMOND FRETTE.

16. Use of the mark EDMOND FRETTE by Applicant causes dilution of the distinctive quality of Opposer's famous FRATTY, FRATTY FOGARTY, HOOD PREP, and SOUTHERN BEAU trademarks.

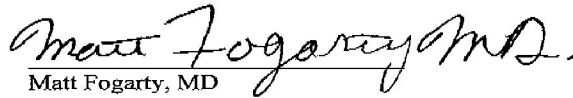
17. Opposer will be damaged by the registration sought by Applicant because such registration would support and assist Applicant in use of its mark and thereby dilute Opposer's rights in its distinctive and famous FRATTY, FRATTY FOGARTY, HOOD PREP, and SOUTHERN BEAU trademarks.

WHEREFORE, Opposer respectfully requests that this opposition be sustained and Applicant's application to register the mark EDMOND FRETTE be denied in all respects.

Respectfully submitted,

PICKIN COTTON COMMUNICATIONS, LLC

Dated: March 26, 2012

  
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REPRESENTATIVE FOR OPPOSER

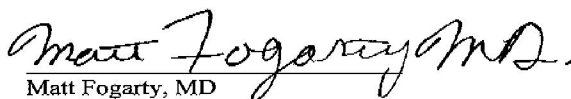
CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2012, a copy of OPPOSER'S NOTICE OF OPPOSITION has been served by electronic mail, and US mail, on Applicant's representatives:

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